

Enrolled Bills, have had S. B. No. 418 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

Committee Room,
Austin, Texas, March 25, 1937.
Hon. Walter F. Woodul, President
of the Senate.

Sir: We your Committee on Enrolled Bills, have had S. B. No. 114 carefully examined and compared and find same correctly enrolled.

WESTERFELD, Chairman.

FORTY-FIFTH DAY.

(Friday, March 26, 1937)

The Senate met at 9:45 o'clock a. m., pursuant to adjournment, and was called to order by President Woodul.

The roll was called, and the following Senators were present:

Aikin.	Rawlings.
Burns.	Roberts.
Collie.	Spears.
Cotten.	Stone.
Davis.	Sulak.
Hill.	Van Zandt.
Holbrook.	Weinert.
Isbell.	Winfield.
Neal.	Woodruff.
Pace.	

The following Senator was absent and excused:

Small.

The President announced that there was not a quorum present.

Senator Hill moved a call of the Senate for the purpose of securing and maintaining a quorum, and the call was duly seconded.

The following Senators later appeared in the Senate Chamber and were announced present:

Sentors, Beck, Brownlee, Head, Lemens, Moore, Nelson, Newton, Oneal, Redditt, Shivers and Westerfeld.

A quorum was announced present.

The invocation was offered by Mr. J. H. Smith, Assistant Sergeant-at-Arms.

Reading of the Journal of the proceedings of yesterday was dispensed with, on motion of Senator Roberts.

Leave of Absence Granted.

Senator Small was granted leave of absence for today on account of important business, on motion of Senator Rawlings.

Reports of Standing Committees.

Reports on Senate Bills Nos. 273, 407, 294, 292, 94, 290, 291, 422 and 441, on House Bills Nos. 202, 347, 296, 494, 491, 493, 489, 488 and 495 were submitted by the chairmen of the several committees to which they were referred. (See appendix for reports in full.)

Senate Bill on First Reading.

The following (local) bill was introduced, read first time, and referred to the committee on Educational Affairs:

By Senator Neal:

S. B. No. 444, A bill to be entitled "An Act repealing the special law creating the Tilden Independent School District in McMullen County, Texas, same being H. B. No. 620, Chapter 98, page 396, Special Laws Regular Session Thirty-fifth Legislature, and declaring an emergency."

House Bill No. 353 Set as Special Order.

Senator Shivers moved that H. B. No. 353 be set as a special order for next Monday, March 29, 1937, immediately after conclusion of the morning call on that day.

The motion prevailed by the following vote:

Yeas—18.

Brownlee.	Oneal.
Burns.	Rawlings.
Cotten.	Redditt.
Davis.	Roberts.
Hill.	Shivers.
Holbrook.	Sulak.
Isbell.	Weinert.
Neal.	Winfield.
Nelson.	Woodruff.

Nays—5.

Aikin.	Stone.
Beck.	Van Zandt.
Collie.	

Present—Not Voting.

Westerfeld.

Absent.
 Head. Newton.
 Lemens. Pace.
 Moore. Spears.

Absent—Excused.

Small.

**Committee Substitute for House Bill
 No. 67 on Passage to Third
 Reading.**

The President laid before the Senate, as the unfinished special order, on its passage to third reading (the bill having been read second time on Wednesday, March 24, 1937):

C. S. for H. B. No. 67, A bill to be entitled "An Act amending Chapter 277, Acts of Regular Session of the Forty-second Legislature as heretofore amended, being known as the 'Motor Carrier Act,' by providing that said Motor Carrier Act shall not include and said Act shall not apply to a 'Private Commercial Carrier,' declaring that a Private Commercial Carrier is not transporting property for compensation or hire within the meaning and contemplation of said Motor Carrier Act and shall not be governed by any of the provisions of said Act applicable to a 'Motor Carrier' or 'Contract Carrier'; etc., and declaring an emergency."

Senator Burns offered the following amendments to the bill:

(1)

Amend "B," Section 26, line 45, page 2, by striking out the word "of" as it appears between the words "owner" and "lessee" and inserting in lieu thereof the word "or."

(2)

Amend "B," page 2, line 54, by inserting the word "such" between the words "any person."

(3)

Amend "B," page 2, line 41, by striking out the second word "of" and inserting in lieu thereof the word "is."

(4)

Amend "F," subsection 1, line 57, page 4, by inserting after the words "decision at such hearing" the fol-

lowing words and phrases: "or from any other order, regulation or decision duly made and entered by said Commission."

(5)

Amend "B," Section 26, page 2, line 54, by inserting immediately after the words, "by any person," the following words: "and the use of the highways by Private Commercial Carriers and by any person."

The amendments were adopted severally.

Senator Burns offered the following amendment to the bill:

Amend "G," Subsection 1, page 5, by adding a new Section thereto, following line 17, said new Section to be numbered "4" and to read as follows:

"A period of one hundred and twenty (120) days after this Section shall go into effect shall be given Private Commercial Carriers to file application for permit, during which period no action shall be brought in any court nor before the Commission for the enforcement of any of the penal sections of this Act, as they relate to Private Commercial Carriers."

The amendment was adopted.

Senator Burns moved to reconsider the vote by which the amendment was adopted.

The motion to reconsider prevailed.

Senator Burns asked unanimous consent to amend the amendment by inserting the words "subject to the provisions of this Act" after the words "Commercial Carriers" where they first appear in the amendment.

There was no objection offered, and it was so ordered.

(Senator Nelson in the Chair.)

Senator Van Zandt offered the following substitute for the amendment as amended:

Amend G, Subsection 1, page 5, by inserting a new section after line 17 on the page, as follows:

Upon the filing of an application for a private carrier's permit, the commission shall designate the time and place for a hearing thereon and

shall give not less than ten (10) days' notice in writing thereof to the applicant and other interested parties. The burden shall be upon the applicant to establish to the satisfaction of the commission that he is a private carrier and has complied with the terms and provisions of this Act, and if at the conclusion of said hearing the commission is of the opinion that such applicant is a private carrier and has complied with all the provisions of the Act, it shall cause to be entered an order granting said application, directing that a private carrier's permit issue; otherwise, the application shall be denied. Provided, however, that all persons, firms, corporations, companies, co-partnerships or associations or joint stock associations (and their receivers or trustees appointed by any court whatsoever) who shall file an application for such permit under the requirements of this Act and the rules and regulations of the Railroad Commission within 120 days from the effective date of this Act, and the information contained in such application establishes the applicant to be a bona fide private carrier, it shall be the duty of the Railroad Commission forthwith to issue said applicant a permit in compliance with the terms of this Act, without notice and hearing. If, however, the commission be of the opinion that the application does not conform to the terms of this Act, and its rules and regulations, and does not establish that the applicant is a private carrier, the commission shall so notify the applicant and shall afford the applicant and other interested parties an opportunity to be heard upon said application after ten days' written notice to the applicant and other interested parties. If after such hearing the commission is of the opinion that said application is in conformity with the provisions of this Act and its rules and regulations, and the applicant is a private carrier, the permit shall issue; otherwise, said application shall be denied. Provided, further, that any person, firm, corporation, company, co-partnership or association or joint stock association (and their receivers or trustees appointed by any court whatsoever), who shall file an application within 120 days after the effective date of this Act for such

permit, under the requirements of this Act and the rules and regulations of the Railroad Commission, shall be permitted to operate as such private carrier until said application has been acted upon by said commission.

(President in the chair.)

Senator Weinert moved to table the substitute.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—21.

Aikin.	Pace.
Beck.	Redditt.
Brownlee.	Roberts.
Burns.	Shivers.
Hill.	Spears.
Holbrook.	Sulak.
Isbell.	Weinert.
Lemens.	Westerfeld.
Nelson.	Winfield.
Newton.	Woodruff.
Oneal.	

Nays—6.

Davis.	Rawlings.
Moore.	Stone.
Neal.	Van Zandt.

Absent.

Collie.	Head.
Cotten.	

Absent—Excused.

Small.

Senator Burns, by unanimous consent, withdrew the amendment as amended.

Senator Spears offered the following amendment to the bill:

Amend H. B. No. 67 by striking out the words and figures \$10.00 on page 3, line 48, and substitute in lieu therefor the words and figures Five Dollars (\$5.00).

SPEARS,
SULAK.

The amendment was adopted.

Senator Rawlings offered the following amendment to the bill:

Amend C. S. for H. B. No. 67 by adding at the end of line 47 page 2, of the printed bill, the following:

"Provided further that common carrier motor carriers operating under the jurisdiction of the Railroad Commission shall also be entitled to receive a private commercial carrier permit, and to enjoy all of the benefits, privileges, and exemptions provided for under the terms of this Act."

Senator Burns moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—20.

Aikin.	Oneal.
Beck.	Pace.
Brownlee.	Redditt.
Burns.	Roberts.
Head.	Spears.
Hill.	Van Zandt.
Holbrook.	Weinert.
Isbell.	Westerfeld.
Moore.	Winfield.
Newton.	Woodruff.

Nays—4.

Collie.	Neal.
Cotten.	Rawlings.

Absent.

Davis.	Shivers.
Lemens.	Stone.
Nelson.	Sulak.

Absent—Excused.

Small.

Senator Rawlings offered the following amendment to the bill:

Amend C. S. for H. B. No. 67, page 2, line 45, by striking out the words "or lessee."

Yeas and nays were demanded and the amendment was adopted by the following vote:

Yeas—14.

Aikin.	Neal.
Burns.	Nelson.
Cotten.	Pace.
Davis.	Rawlings.
Isbell.	Redditt.
Lemens.	Van Zandt.
Moore.	Winfield.

Nays—13.

Beck.	Collie.
Brownlee.	Hill.

Holbrook.
Newton.
Oneal.
Roberts.
Spears.

Sulak.
Weinert.
Westerfeld.
Woodruff.

Absent.

Head. Stone.
Shivers.

Absent—Excused.

Small.

Senator Rawlings offered the following amendment to the bill:

Amend C. S. H. B. No. 67, page 2, by striking out the last sentence of paragraph B under Section 26.

Senator Weinert moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—19.

Aikin.	Oneal.
Burns.	Redditt.
Collie.	Roberts.
Head.	Spears.
Hill.	Sulak.
Holbrook.	Weinert.
Isbell.	Westerfeld.
Lemens.	Winfield.
Moore.	Woodruff.
Newton.	

Nays—8.

Beck.	Nelson.
Cotten.	Pace.
Davis.	Rawlings.
Neal.	Van Zandt.

Present—Not Voting.

Stone.

Absent.

Brownlee. Shivers.

Absent—Excused.

Small.

Senator Burns offered the following amendment to the bill:

Amend the caption to conform with the body of the bill as amended. The amendment was adopted.

C. S. for H. B. No. 67 was then passed to third reading.

**Committee Substitute for House Bill
No. 67 on Third Reading.**

Senator Burns moved that the constitutional rule requiring bills to be read on three several days be suspended and that C. S. for H. B. No. 67 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28.

Aikin.	Nelson.
Beck.	Newton.
Brownlee.	Oneal.
Burns.	Pace.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Spears.
Head.	Stone.
Hill.	Sulak.
Holbrook.	Van Zandt.
Isbell.	Weinert.
Lemens.	Westerfeld.
Moore.	Winfield.
Neal.	Woodruff.

Present—Not Voting.

Rawlings.

Absent.

Shivers.

Absent—Excused.

Small.

The President laid C. S. for H. B. No. 67 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25.

Aikin.	Newton.
Beck.	Oneal.
Brownlee.	Pace.
Burns.	Redditt.
Collie.	Roberts.
Davis.	Spears.
Head.	Stone.
Hill.	Sulak.
Holbrook.	Van Zandt.
Isbell.	Neal.
Lemens.	Westerfeld.
Moore.	Winfield.
Nelson.	

Nays—3.

Cotten. Rawlings.
Weinert.

Absent.

Shivers.

Woodruff.

Present—Not Voting.

Small.

Senate Resolution No. 55.

Senator Stone, by unanimous consent, offered the following resolution:

Whereas, The Honorable W. S. Barron, former Speaker of the House of Representatives, and a party of distinguished citizens of Bryan are now in the Senate Chamber and have a message to deliver to the Legislature; therefore, be it

Resolved, That the said party be extended the privileges of the floor, and the said W. S. Barron, as speaker of such party, be requested to address the Senate.

The resolution was read.

On motion of Senator Stone and by unanimous consent, the regular order of business was suspended to permit consideration of the resolution at this time.

The resolution was adopted.

Accordingly, the President appointed Senators Stone, Davis and Neal to escort Hon. W. S. Barron to the President's stand.

Senator Stone introduced Hon. W. S. Barron, who addressed the Senate and invited the Senators and certain others to be the guests of the Agricultural and Mechanical College and the citizens of Bryan, Texas, at the college on Saturday, April 10, 1937.

On motion of Senator Van Zandt, the invitation extended by Mr. Barron was accepted.

**Senate Bill No. 137 on Third
Reading.**

The President laid before the Senate, on its third reading and final passage:

S. B. No. 137, A bill to be entitled "An Act providing for and fixing the salaries of the members of the Judiciary of the State of Texas, amending Section 1 of H. B. No. 280, Chapter 148, Acts of the Regular Session of the Forty-third Legislature, as amended by Section 1 of H. B. No. 417, Chapter 355, Acts of the Regu-

lar Session of the Forty-fourth Legislature; repealing all laws in conflict herewith; and declaring an emergency."

The bill was read third time.

Senator Rawlings offered the following amendment to the bill:

Amend the caption to conform with the body of the bill as previously amended.

The amendment was adopted.

Senator Moore moved the previous question on the passage of the bill, and the motion was duly seconded.

Question—Shall the main question now be ordered?

Yeas and nays were demanded, and the main question was ordered by the following vote:

Yeas—17.

Brownlee.	Rawlings.
Burns.	Redditt.
Cotten.	Spears.
Davis.	Stone.
Lemens.	Van Zandt.
Moore.	Weinert.
Neal.	Winfield.
Nelson.	Woodruff.
Pace.	

Nays—11.

Aikin.	Newton.
Beck.	Oneal.
Collie.	Roberts.
Head.	Sulak.
Hill.	Westerfeld.
Holbrook.	

Absent.

Isbell. Shivers.

Absent—Excused.

Small.

S. B. No. 137 was then passed by the following vote:

Yeas.—17.

Beck.	Rawlings.
Brownlee.	Redditt.
Burns.	Spears.
Davis.	Stone.
Head.	Van Zandt.
Lemens.	Weinert.
Moore.	Winfield.
Neal.	Woodruff.
Pace.	

Nays—12.

Aikin.	Nelson.
Collie.	Newton.
Cotten.	Oneal.
Hill.	Roberts.
Holbrook.	Sulak.
Isbell.	Westerfeld.

Absent.

Shivers.

Absent—Excused.

Small.

Message From the House.

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, March 26, 1937.
Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill and resolution:

S. B. No. 99, A bill to be entitled "An Act making appropriations for the support and maintenance of West Texas State Teachers College and for the erection of permanent improvements at the West Texas State Teachers College, and declaring an emergency."

(With amendments.)

S. C. R. No. 1, Relative to the joint rules of the House and Senate
(With amendments.)

The House, by a vote of 62 yeas and 65 nays, refused to engross

H. B. No. 128, A bill to be entitled "An Act providing for the compulsory adjustment, correction or repair of motor vehicles, and inspection thereof by the Department of Safety of the State of Texas, and providing a penalty for the violation of the provisions of the Act; repealing Article 6696, Revised Civil Statutes of Texas, 1925, and all laws and parts of laws in conflict herewith; providing that the terms of this Act shall be severable, and declaring an emergency."

The House refused to concur in Senate amendments to H. B. No. 321, and has requested the appointment of a conference committee to

consider the differences between the two houses.

Messrs. Moffett, Leonard, Blankenship, Bond, Holland.

The House has concurred in Senate amendments to H. B. No. 509, by a viva voce vote.

The House has adopted the Conference Committee Report on S. B. No. 282 by a vote of 120 yeas, 0 nays.

Respectfully submitted,
LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

**Report of Conference Committee on
Senate Bill No. 282.**

Senator Oneal submitted the following report of the Conference Committee on S. B. No. 282.

Committee Room,
Austin, Texas, March 26, 1937.
Hon. Walter F. Woodul, President of
the Senate,
and

Hon. R. W. Calvert, Speaker of the
House of Representatives.

Gentlemen: We, your Conference Committee, to whom was referred S. B. No. 282, have had the same under consideration and we recommend to the Senate and to the House of Representatives that said bill pass in the form attached hereto.

Respectfully submitted,
ONEAL,
LEMENS,
AIKIN,
ROBERTS,
HEAD,

On the part of the Senate.

TENNYSON,
BOETHEL,
THORNTON, JR.
KERN,

On the part of the House.

By Oneal. S. B. No. 282.

**A BILL
To Be Entitled**

An Act to amend Article 7256, Revised Civil Statutes of Texas, 1925, as amended by Section 1, Chapter 16, Acts of the First Called Session of the 43rd Legislature, so as to provide that in counties having a population of more than seventy thousand (70,000), according to the last Federal Census, and containing one or more cities or towns other than the county seat,

which has in excess of one thousand (1,000) inhabitants, according to the last Federal Census, the Assessor and Collector of Taxes, with the consent and approval of the Commissioners' Court, may appoint a Deputy Assessor and Collector of Taxes in each such city or town; and defining the duties of such Deputies; and providing for the salaries of such Deputies; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 7256, Revised Civil Statutes of Texas, 1925, as amended by Section 1, Chapter 16, Acts of the First Called Session of the 43rd Legislature, be and the same is hereby amended so as to hereafter read as follows:

"Article 7256. Office at county seat (Deputy Assessors and Collectors of Taxes in certain towns and cities; bonds; compensation)

Each Assessor and Collector of Taxes shall keep his office at the county seat of his county; and it shall be the duty of every person who failed to attend and to pay his taxes at the times and places in his precinct named by the Assessor and Collector of Taxes, as provided in the preceding Article, to call at the office of the Assessor and Collector of Taxes and pay the same before the last day of December of the same year for which the assessment is made; provided, however, that in all counties containing a city or town, other than the county seat, which has in excess of seven thousand (7,000) inhabitants according to the last Federal Census, said Assessor and Collector of Taxes, with the consent and approval of the Commissioners' Court, may appoint a Deputy Assessor and Collector of Taxes, in such town or city, who shall have the right to collect taxes from all persons who desire to pay their taxes to him, and to issue a valid receipt therefor. Such Deputy shall enter into such bond, payable to the County Judge of the County as the Assessor and Collector of Taxes and Commissioners' Court of the county may require. From each person from whom said Deputy may collect taxes and issue a receipt therefor, said Deputy is authorized to receive a fee of not exceeding

twenty-five cents when receipt issued covers property taxes, and he shall receive no other compensation for his services; and further provided he shall not retain more than One Thousand Two Hundred (\$1,200.00) Dollars for any one calendar year, and the balance, if any, shall be deposited to the credit of the General Fund of the county. The Assessor and Collector of Taxes shall remain liable on his bonds for all taxes collected by such Deputy and nothing herein shall be construed as a limitation on the liability of the bonds of either the Assessor and Collector of Taxes or such Deputy. Provided further that in all counties having a population of more than seventy thousand (70,000), according to the last preceding Federal Census, and containing one or more cities or towns, other than the county seat, each of which has in excess of one thousand (1,000) inhabitants, according to the last Federal Census, said Assessor and Collector of Taxes with the consent and approval of the Commissioners' Court may appoint a Deputy Assessor and Collector of Taxes in each such city or town, who shall have the right to collect taxes from all persons who desire to pay taxes to him and to issue a valid receipt therefor; each such Deputy shall enter into such bond, payable to the County Judge of the county as the Assessor and Collector of Taxes and Commissioners' Court of the County may require. The salary of each such Deputy Assessor and Collector of Taxes shall be fixed by the Commissioners' Court, and each such Deputy Assessor and Collector of Taxes shall be subject to all the terms and provisions of the law relating to Deputy Assessors and Collectors of Taxes, providing that the salaries fixed by the Commissioners' Court for such Deputies provided for herein, in such counties, shall not exceed Two Hundred (\$200.00) Dollars annually for each one thousand (1,000) population, according to the last preceding Federal Census in each of such cities or towns, and further provided that the salary of either of such Deputy Assessor and Collector of Taxes shall not exceed One Thousand Two Hundred (\$1,200.00) Dollars per year. The Assessor and Collector of Taxes shall remain liable on his bonds for all taxes collected

by such Deputy, and nothing herein shall be construed as a limitation on the liability of the bonds of either the Assessor and Collector of Taxes or such Deputy.

Sec. 2. The fact that the present law does not provide for the appointment of a Deputy Assessor and Collector of Taxes to serve in cities outside the county seat in counties having a population of more than seventy thousand (70,000), according to the last Federal Census, and it is thus made inconvenient for such taxpayers in said counties to pay their taxes, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Question — Shall report be adopted?

The report was adopted by the following vote:

Yeas—29.

Aikin.	Oneal.
Beck.	Pace.
Brownlee.	Rawlings.
Burns.	Redditt.
Collie.	Roberts.
Cotten.	Shivers.
Head.	Spears.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	Woodruff.
Newton.	

Absent.

Davis.

Absent—Excused.

Small.

Committee Substitute for Senate Bill No. 99 With House Amendments.

Senator Woodruff called up C. S. for S. B. No. 99 from the President's table, for consideration of the House amendments to the bill.

The President laid the bill before the Senate, and the House amendments were read.

Question—Shall the Senate concur in the House amendments?

Senator Aikin moved that the amendments be printed in the Journal and that further consideration of the amendments be postponed until they have been so printed.

Yeas and nays were demanded, and the motion of Senator Aikin was lost by the following vote:

Yeas—6.

Aikin.	Hill.
Beck.	Lemens.
Collie.	Roberts.

Nays—22.

Brownlee.	Oneal.
Burns.	Pace.
Cotten.	Rawlings.
Davis.	Redditt.
Head.	Spears.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.
Newton.	Woodruff.

Absent.

Shivers.	Stone.
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Absent—Excused.

Small.

The Senate concurred in the House amendments by the following vote:

Yeas—22.

Brownlee.	Oneal.
Burns.	Pace.
Cotten.	Rawlings.
Davis.	Redditt.
Head.	Roberts.
Holbrook.	Spears.
Isbell.	Van Zandt.
Moore.	Weinert.
Neal.	Westerfeld.
Nelson.	Winfield.
Newton.	Woodruff.

Nays—6.

Aikin.	Hill.
Beck.	Lemens.
Collie.	Sulak.

Absent.

Shivers.	Stone.
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Absent—Excused.

Small.

Senate Concurrent Resolution No. 1 With House Amendments.

Senator Woodruff called up S. C. R. No. 1 from the President's table, for consideration of the House amendments to the resolution.

The President laid the resolution before the Senate, and the House amendments were read.

Senator Woodruff moved that the Senate do not concur in the House amendments and that a free conference committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

Accordingly, the President announced the appointment of the following free conference committee on the part of the Senate:

Senators Rawlings, Nelson, Woodruff, Moore and Weinert.

Message From the Governor.

A Secretary of the Governor appeared at the bar of the Senate and was recognized to present the following message:

Austin, Texas, March 26, 1937.

To the Members of the Forty-fifth Legislature:

I am disapproving and returning herewith S. B. No. 1. I dislike to veto any legislation, particularly one which is designed to put into effect the people's will with reference to constitutional amendments directly voted. I am sure all of us would like to see a bill enacted to put the constitutional amendment into effect; but I am equally sure all of us want to see the job done right. In the past by ill considered legislation we have sometimes gotten matters into worse confusion than if a bill had not been passed at all. In many respects I think S. B. No. 1 is in that condition.

Several days ago I invited the members of the Free Conference Committee into my office and suggested that the bill be withdrawn for certain corrections. Later I reduced this request to writing; in view of the fact that no such action has been had I am compelled to respectfully veto this measure for the following reasons:

First:

The body of this bill attempts to repeal all of Chapter 4, Title 12,

being Articles 952 to 967, inclusive, of the Code of Criminal Procedure. I have carefully read and considered these repealed statutes and have concluded that Articles 955, 956 and 958 should not be repealed in toto, but should be amended to conform with the general scheme or set up under the amendment to the Constitution under which this bill has been enacted. Also, Article 981 is a wholesome statute and should not be repealed. All of these articles would be completely repealed by the passage of S. B. No. 1, and there would be no adequate legislation on the subjects covered by them.

Second:

In Section 3 of the bill, the Legislature has sought to restrict the Governor's constitutional power to "grant reprieves, commutations of punishment and pardons" upon the written signed recommendation of the Board, or a majority thereof. This attempted restriction is due to the fact that Section 3, which is a legislative enactment of part of the constitutional amendment, is split into separate sentences, and a comma is put in the bill where a semicolon is used in the constitutional amendment; and a period is put in the bill where a comma is used in the constitutional amendment, and the word "and" is completely left out.

In other words, under the constitutional amendment the Governor's power to "grant reprieves, commutations of punishment and pardons" cannot be restricted by "such rules as the Legislature may prescribe." It is only the power to "remit fines and forfeitures" which is subject to "such rules as the Legislature may prescribe." Yet, in S. B. No. 1 the Legislature does limit the Governor's authority to "grant reprieves, commutations of punishment and pardons" by providing that the same "shall be under such rules as the Legislature shall prescribe."

Third:

Section 13-A, providing for the eligibility of long term convicts to parole, is materially different from the present law, and much more liberal. Under the present law all prisoners receiving a sentence in excess of 25 years, including sentences

of natural life, are eligible for parole at the expiration of 19 years servitude, in which overtime and commutations are considered. Your attention is directed to the fact that under S. B. No. 1 the maximum sentence is raised from 25 to 30 years, and the eligibility of the convict for parole is reduced from 19 to 10 years. Under this Section of the bill, if it becomes a law, it is possible for a convict with a maximum sentence of more than 30 years to be eligible for parole in 5 or 6 years.

Fourth:

Nowhere in the bill is the Governor required to approve or veto the granting of a parole by the Board. Indeed, under Section 17 of S. B. No. 1 the Board is given absolute power and authority to issue paroles without any requirement anywhere in the bill for the approval of the Governor. It will be remembered that when the amendment was submitted to the people the argument was made in committee and on the floor of the Senate that the Board's actions should be checked by the Governor.

Fifth:

Section 19 of S. B. No. 1 attempts to give to a parole supervisor the power to revoke paroles. It also gives the Board power to revoke paroles. The amendment adopted by the people conferred this authority upon the Governor, and, clearly, the Legislature cannot delegate this power to the parole supervisor, the Board, or to any other agency.

Sixth:

Section 23 is a clear attempted infringement upon the constitutional powers of both the Board and the Governor in that it restricts the power of clemency to a prisoner on parole by providing that clemency shall not be granted in any case "until the prisoner has faithfully complied with the terms of his parole for at least two calendar years."

Seventh:

Section 24 requires the Governor to file with the Secretary of State a written statement of his reasons for granting or refusing clemency in a particular case. Under the old

Section of the Constitution the Governor was required to file a proclamation setting forth his reasons for granting clemency. This has been omitted from the present constitutional amendment, and I doubt the authority of the Legislature to make this requirement by statute. I can see no good reasons, however, why the Governor should not file a statement of his reasons for granting clemency; but there are occasions when it would be best for the protection of protesting members of society, or for the safety of himself or his family, when the Governor should not be required to set out his reasons for refusing clemency.

Eighth:

Location of the Board. Section 7 provides that:

"The Board shall maintain its office as it shall find most convenient and appropriate for the performance of its duties and to effectuate the purposes of this Act."

It is not sound public policy for the Legislature to delegate the location of this constitutional office to the Board; especially under the peculiar circumstances which have been attendant upon the controversy in the Legislature over the location of this particular board. To place this burden upon the members of the Board is unfair to them. It will not settle the question! It leaves it unsettled; whereas, if the Legislature should definitely locate the Board at the seat of government it would be settled and it would require a legislative act to make a change.

We are all familiar with the history of this controversy. The Senate has believed the Board's offices should be located at Austin. The House voted that it should be located in Huntsville. It is the duty of the Legislature, not the Board, to fix the location of its offices. If this bill should become a law and the location of the offices left to the Board, it is apparent that its members will be besieged by one faction or another to either move, or maintain, the offices in either Austin or Huntsville. Other cities, such as Houston, may even conceivably insist, and perhaps offer inducements to have the Board locate its offices at such places. I do not believe the Board can function effectively if they

are to be continually confronted with pressure not only from some members of the Legislature but from interested citizens to change the location of the Board's offices at any time.

My views on the subject of location are well known. I have no objection to the Legislature requiring a majority of the Board to spend a reasonable amount of time on prison properties, but, since the Governor has the final responsibility, I think the Board's offices should be located in Austin.

Ninth:

Section 15 imposes a number of duties upon the Board which, in my opinion, will destroy its efficiency. I do not believe the Board can properly function if it is to be hamstrung and circumscribed by the onerous provisions of this Section.

Particularly the provision "that it shall be mandatory upon the Board to visit and spend 15 calendar days of each month upon prison properties personally interviewing said convicts," etc., and providing that "if any member of said Board shall violate any provisions of this Section he shall be deemed guilty of a misdemeanor," etc.

The courts have held that calendar days mean days of 24 hours each. Unquestionably this Section of the law would require the members of the Board to visit and spend 15 calendar days of 24 hours each "upon prison properties personally interviewing said convicts." It will generally require one day to go and one day to return from prison properties. Indeed, under the strict terms of the Act the time spent in going from one prison property to another cannot even be counted as part of the calendar days spent "upon prison properties personally interviewing said convicts." There will be at least two Sundays, and sometimes three, in each month, thus making a total of at least 19 calendar days, exclusive of holidays, during which the entire membership of the Board will be required to be out of the offices if they should locate same in Austin. Even if they were located in Huntsville, the time spent in the offices on prison properties studying records or interviewing people other than convicts could not be counted as

part of the "15 calendar days of each month upon prison properties personally interviewing said convicts."

It has been argued that under the general provision of the bill that a majority shall constitute a quorum, two members of the Board could comply with the terms of this Section. I am certain they could not. In this Section we have a special provision dealing with the subject matter, and the rule is unquestioned that a special provision controls a general provision; and the concluding sentence of Section 15 provides that "if any member of said Board shall violate any provision of this Section he shall be deemed guilty of a misdemeanor." I have no doubt that under this provision any member of the Board could be prosecuted for failure to comply with any provision of Section 15 and for failure to actually spend 15 calendar days actually interviewing convicts on prison properties. I submit this is absurd. In addition, I submit that at least one member of the Board should be available at the office in Austin at all times. It will be perfectly agreeable to let them alternate.

Again, I submit that this Section is clearly too hostile to the members of the Board. If this amendment is to achieve the success hoped for by the people it will depend upon the high type of service which must be secured from patriotic men serving on the Board. I think we have that type of men. They are now constitutional officers, and there is no more reason to subject them to criminal prosecution for failure to comply with every ministerial duty imposed upon them than to make like provision in each statute dealing with every department. The members of this Board are subject to the same general penal statutes to which other officers are subject. They are likewise subject to impeachment for wilful or arbitrary failure to perform their duties.

I urge that this bill be withdrawn and this criminal feature be eliminated from it; that it be clearly provided that a majority of the Board shall spend a reasonable and sufficient time on prison properties to personally interview prisoners and to discharge other necessary duties on prison properties.

Tenth:

Hostility toward the membership of the Board, whether intended or not, is, in my opinion, manifest again in the concluding sentence of Section 2, which was put in for the first time in free conference. It reads:

"Provided further that the members of said Board shall not receive any retainer, money, fee, commission or anything of value for representing any person or corporation, or association of persons, in the courts of this State or before said Board, and shall not accept, contract or perform any other employment or outside service whatsoever."

I think, as a general proposition, part of this Section is all right, but the intimation that any member of the Board might receive pay for representation "before said Board" is an unnecessary reflection on these gentlemen. Any such conduct is already subject to prosecution under the bribery statutes.

There are a number of other minor defects in the bill, but the ones enumerated herein are, in my judgment, so outstanding that I should not approve this bill. I therefore, respectfully disapprove, veto and return the same herewith.

Respectfully,

JAMES V. ALLRED,
Governor of Texas.

The message was read by the Secretary, at the direction of the President.

Senator Burns moved that the bill referred to in the message (S. B. No. 1) be passed notwithstanding the veto of the Governor, and asked to have the motion spread upon the Journal.

Bills and Resolution Signed.

The President signed in the presence of the Senate, after giving due notice thereof and their captions had been read, the following enrolled bills and resolution:

S. B. No. 223, "An Act to authorize the counties, cities, towns, independent school districts, common school districts, water improvement districts, water control and improvement districts, navigation districts, road districts, levee districts, drainage districts, and all other municipal corporations, political subdivisions or districts organized and existing

under the Constitution and laws of this State, to convey to the United States of America with or without monetary consideration, upon request therefor, title to property, lands, or interest in lands owned by such municipal corporations, political subdivisions or districts, to enable any department or establishment of the United States to carry out the provisions of any Act of Congress in aid of navigation, flood control, or improvement of water courses, etc."

H. B. No. 714, "An Act making an emergency appropriation out of the Special Racing Fund of Ten Thousand Two Hundred Sixty (\$10,260) Dollars to the Texas Racing Commission for the remainder of the fiscal year ending August 31, 1937, and declaring an emergency."

H. B. No. 509, "An Act to declare a closed season on the killing of quail in Montague County, Texas, for a period ending January 16, 1939; prescribing a penalty for the violation of this Act, and declaring an emergency."

H. C. R. No. 75, Authorizing the State Highway Department to lend equipment to the City of Eastland.

Time Set for Night Session.

Senator Woodruff moved that the Senate meet next Monday night, March 29, 1937, at 7:30 o'clock p. m. for the purpose of considering local and non-contested bills, and that each Senator be requested to file with the Parliamentarian a list of the bills he will ask at that time to be considered.

Senator Van Zandt moved to amend the motion by changing the time of the meeting to Tuesday night, March 30, 1937, at 7:30 o'clock p. m.

The motion of Senator Van Zandt prevailed.

The motion of Senator Woodruff as amended prevailed.

Senate Resolution No. 57.

Senator Westerfeld, by unanimous consent, offered the following resolution:

Whereas, "Ray's Advanced Session Laws" are now available, containing all general, special and local laws passed by the forty-fifth Legislature and approved by the Governor up

to and including March 16th, 1937, and other volumes of these laws will be issued during this session, before and immediately after adjournment, therefore; be it

Resolved by the Senate, that the Senate as has been the custom heretofore, subscribe for forty (40) copies of said laws,—(one for each member of the Senate and its officers) at the price of One (\$1.00) Dollar per copy, to be paid for, when delivered, out of the contingent fund of the Senate.

The resolution was read, and by unanimous consent, was laid before the Senate for consideration at this time.

The resolution was adopted.

Senate Bill No. 445 on First Reading.

Senator Westerfeld moved that the rule limiting the time for introduction of certain bills to the first 45 days of the session be suspended, to permit the introduction at this time of a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—30.

Aikin.	Newton.
Beck.	Oneal.
Brownlee.	Pace.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Roberts.
Davis.	Shivers.
Head.	Spears.
Hill.	Stone.
Holbrook.	Sulak.
Isbell.	Van Zandt.
Lemens.	Weinert.
Moore.	Westerfeld.
Neal.	Winfield.
Nelson.	Woodruff.

Absent—Excused.

Small.

The following bill was then introduced, read first time and referred to the Committee on Civil Jurisprudence:

By Senator Westerfeld:

S. B. No. 445, A bill to be entitled "An Act to amend Article 4617, Revised Civil Statutes of Texas of 1925, Captioned, "When wife may convey, et cetera, "enlarging the scope of its meaning, and declaring an emergency."

Adjournment.

On motion of Senator Pace, the Senate, at 12:30 o'clock p. m., adjourned until 10:00 o'clock a. m. next Monday, March 29, 1937.

APPENDIX.**Bills Filed in Department of State.**

Austin, Texas, March 25, 1937.

Hon. Bob Barker, Secretary of the Senate.

Dear Sir: I submit herewith a list of bills and resolutions passed by the Forty-Fifth Legislature which were filed in this office Wednesday, March 24, 1937:

H. B. No. 366:

Vote in Senate, viva voce.

Vote in House, viva voce.

Date signed by the Governor, unsigned.

H. B. No. 447:

Vote in Senate, yeas 26, nays 0.

Vote in House, yeas 116, nays 0.

Date signed by the Governor, March 24, 1937.

H. B. No. 586:

Vote in Senate, yeas 21, nays 3.

Vote in House, yeas 112, nays 5.

Date signed by the Governor, March 24, 1937.

H. B. No. 712:

Vote in Senate, yeas 28, nays 0.

Vote in House, yeas 112, nays 0.

Date signed by the Governor, March 24, 1937.

H. C. R. No. 72:

Vote in Senate, viva voce.

Vote in House, viva voce.

Date signed by the Governor, March 24, 1937.

H. C. R. No. 73:

Vote in Senate, viva voce.

Vote in House, viva voce.

Date signed by the Governor, March 24, 1937.

Assuring you of my sincere pleasure in performing this service, I am

Yours very truly,

EDWARD CLARK,

Secretary of State.

By M. E. SANDLIN,

Assistant Secretary of State.

Reports of Standing Committees.

Committee Room,

Austin, Texas, March 25, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 202, A bill to be entitled "An Act providing that Senate Bill 146, Chapter 181, Subsection (2) of Section 12, enacted by the Regular Session of the Forty-fourth Legislature, be amended by eliminating said Subsection (2) and further providing for fifteen (15) captains, twenty (20) sergeants, and three hundred (300) privates in the Texas State Highway Patrol; literary attainment shall not preclude an appointment as a private if applicant is otherwise qualified, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PACE, Chairman.

Committee Room,

Austin, Texas, March 25, 1937.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 273, A bill to be entitled "An Act for safeguarding life and property from electrical hazards and the promotion of the welfare of the public; defining certain words and phrases as used in this Act; establishing a State Electrical Board as a subdivision of the Fire Insurance Division of the Board of Insurance Commissioners; providing for the appointment of members of the State Electrical Board; prescribing the duties of the Board; providing for the Board to issue orders in accordance with the provisions of this Act; providing for the appointment of a Chief Inspector of the Board; requiring a license and examination for all master electricians and journeyman electricians; etc. and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with Committee Amendment No. 1, and be printed.

PACE, Chairman.

Committee Room,
Austin, Texas, March 25, 1937.
Hon. Walter F. Woodul, President
of the Senate.

Sir: We, your Committee on State
Affairs, to whom was referred

S. B. No. 407, A bill to be entitled
"An Act authorizing the Railroad
Commission of Texas to promulgate
rules, regulations and orders to pre-
vent or lessen drainage from any
developed property caused or threat-
ened by the production of gas from
any gas well in any common reservoir
in this State, and to prevent or
lessen the drainage of gas as between
different zones in such common res-
ervoirs; authorizing the Railroad
Commission to restrict and regulate
the production of gas from wells and
zones to prevent or lessen drainage;
authorizing the Railroad Commis-
sion to issue all rules, etc., and de-
claring an emergency."

Have had the same under con-
sideration, and I am instructed to
report it back to the Senate with the
recommendation that it do not pass,
but that Committee Substitute there-
for do pass and be printed.

PACE, Chairman.

Committee Room,
Austin, Texas, March 25, 1937.
Hon. Walter F. Woodul, President
of the Senate.

Sir: We, your Committee on State
Affairs, to whom was referred

H. B. No. 347, A bill to be entitled
"An Act prohibiting a freight train
consisting of more than seventy (70)
cars, exclusive of caboose, from be-
ing run on any Texas railroad; pro-
hibiting a passenger train consist-
ing of more than fourteen (14) cars
from being run on any Texas rail-
road; providing for a penalty for
violation of laws, and declaring an
emergency."

Have had the same under con-
sideration, and I am instructed to
report it back to the Senate with the
recommendation that it do pass and
be printed.

PACE, Chairman.

Committee Room,
Austin, Texas, March 26, 1937.
Hon. Walter F. Woodul, President
of the Senate.

Sir: We your Committee on Civil
Jurisprudence, to whom was referred

S. B. No. 294, A bill to be entitled
"An Act prohibiting any person from

damaging, destroying, or removing
any buildings, orchard, fence, well,
or other improvement, or fixture
connected therewith, or any part
thereof, where the same is subject
to any lien debt in default, etc., and
declaring an emergency."

Have had the same under con-
sideration, and I am instructed to
report it back to the Senate with the
recommendation that it do not pass,
but that the Committee Substitute
for same do pass in lieu thereof,
and be printed.

SMALL, Chairman.

Committee Room,
Austin, Texas, March 26, 1937.
Hon. Walter F. Woodul, President
of the Senate.

Sir: We your Committee on Civil
Jurisprudence, to whom was referred

S. B. No. 292, A bill to be entitled
"An Act amending Article 5520,
Chapter 1, Title 29, Revised Civil
Statutes of Texas, 1925, as amended
by Acts 1931, Forty-second Legisla-
ture, page 230, Chapter 136, Section
2, relating to vendor's lien, mortgage
liens and deed of trust notes secured
by lien on real estate, etc., and de-
claring an emergency."

Have had the same under con-
sideration, and I am instructed to
report it back to the Senate with the
recommendation that it do not pass,
but that the Committee Substitute
for same do pass in lieu thereof,
and be printed.

SMALL, Chairman.

Committee Room,
Austin, Texas, March 26, 1937.
Hon. Walter F. Woodul, President
of the Senate.

Sir: We your Committee on Civil
Jurisprudence, to whom was referred

S. B. No. 94, A bill to be entitled
"An Act to amend Article 1813 of
the Revised Civil Statutes of 1925,
so as to add thereto a provision for
the appointment of a Special Com-
missioner to serve with and assist
a Court of Civil Appeals where a
member thereof shall be disabled by
illness, or otherwise, etc., and de-
claring an emergency."

Have had the same under con-
sideration, and I am instructed to
report it back to the Senate with the
recommendation that it do pass and
be printed.

SMALL, Chairman.

Committee Room,
Austin, Texas, March 26, 1937.
Hon. Walter F. Woodul, President
of the Senate.

Sir: We your Committee on Civil Jurisprudence, to whom was referred H. B. No. 296, A bill to be entitled "An Act providing for the amendment of Article 1848 of the Revised Civil Statutes of 1925, as amended by Acts of the Forty-second Legislature, Regular Session, Chapter 64, Page 98 in Section 1, as amended by the Acts of the Forty-fourth Legislature, Regular Session, Chapter 90, Page 225, in Section 1, so as to provide that litigants may have more time to file their briefs after the filing of the transcript in the Appellate Courts, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SMALL, Chairman.

Committee Room,
Austin, Texas, March 26, 1937.
Hon. Walter F. Woodul, President
of the Senate.

Sir: We your Committee on Civil Jurisprudence, to whom was referred H. B. No. 494, A bill to be entitled "An Act to amend Article 4993, Revised Civil Statutes of Texas of 1925, as amended by Acts 1935, Forty-fourth Legislature, Page 31, Chapter 11, Section 1, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SMALL, Chairman.

Committee Room,
Austin, Texas, March 26, 1937.
Hon. Walter F. Woodul, President
of the Senate.

Sir: We your Committee on Civil Jurisprudence, to whom was referred H. B. No. 489, A bill to be entitled "An Act to amend Article 392, Revised Civil Statutes of 1925, as amended by Acts, 1935, Forty-fourth Legislature, Page 21, Chapter 6, Section 1, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the

recommendation that it do pass and be printed.

SMALL, Chairman.

Committee Room,
Austin, Texas, March 26, 1937.
Hon. Walter F. Woodul, President
of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 491, A bill to be entitled "An Act to amend Article 4766, Revised Civil Statutes of 1925, as amended by Acts 1935, Forty-fourth Legislature, page 24, Chapter 8, Section 1, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SMALL, Chairman.

Committee Room,
Austin, Texas, March 26, 1937.
Hon. Walter F. Woodul, President
of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 493, A bill to be entitled "An Act to amend Article 416, Revised Civil Statutes of 1925, as amended by Acts 1935, Forty-fourth Legislature, page 26, Chapter 9, Section 1, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SMALL, Chairman.

Committee Room,
Austin, Texas, March 26, 1937.
Hon. Walter F. Woodul, President
of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 495, A bill to be entitled "An Act to amend Article 4941, Revised Civil Statutes of Texas of 1925, as amended by Acts, 1935, Forty-fourth Legislature, page 20, Chapter 5, Section 1, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SMALL, Chairman.

Committee Room,
Austin, Texas, March 26, 1937.
Hon. Walter F. Woodul, President
of the Senate.

Sir: We, your Committee on
Civil Jurisprudence, to whom was re-
ferred

H. B. No. 488, A bill to be entitled
"An Act to amend Article 831a-37,
Revised Civil Statutes, 1935 Supple-
ment, as amended by Acts 1935,
Forty-fourth Legislature, page 159,
Chapter 68, Section 2, and declaring
an emergency."

Have had the same under con-
sideration, and I am instructed to
report it back to the Senate with the
recommendation that it do pass and
be printed.

SMALL, Chairman.

Committee Room,
Austin, Texas, March 26, 1937.
Hon. Walter F. Woodul, President
of the Senate.

Sir: We, your Committee on
Civil Jurisprudence, to whom was
referred

S. B. No. 290, A bill to be entitled
"An Act regulating and fixing the
rights of parties to contracts or con-
veyances executed by persons at the
time who are of unsound mind or
otherwise incompetent, where no ad-
judication of incompetency has been
made by a court of competent juris-
diction, etc., and declaring an emer-
gency."

Have had the same under con-
sideration, and I am instructed to
report it back to the Senate with the
recommendation that it do not pass
but that the committee substitute for
same do pass and be printed.

SMALL, Chairman.

Committee Room,
Austin, Texas, March 26, 1937.
Hon. Walter F. Woodul, President
of the Senate.

Sir: We, your Committee on
Civil Jurisprudence, to whom was
referred

S. B. No. 291, A bill to be entitled
"An Act requiring all incorporated
towns, cities and villages having a
population of less than 10,000 peo-
ple, according to the last Federal
Census, and all school districts, road
districts, water improvement dis-
tricts, drainage districts and levy
districts to file annually a list of all
taxes on real property, etc., and de-
claring an emergency."

Have had the same under con-
sideration, and I am instructed to
report it back to the Senate with the
recommendation that it do not pass,
but that the committee substitute
for same do pass in lieu thereof and
be printed.

SMALL, Chairman.

Committee Room,
Austin, Texas, March 12, 1937.
Hon. Walter F. Woodul, President
of the Senate.

Sir: We, your Committee on
Towns and City Corporations, to
whom was referred

S. B. No. 422, A bill to be entitled
"An Act amending Section 8 of
Chapter 163, Acts of the Regular
Session of the Forty-second Legisla-
ture; validating specified actions
heretofore taken by counties, cities
and towns in issuing, funding, and re-
funding securities in attempted com-
pliance with said chapter; validat-
ing such securities issued thereunder,
and declaring an emergency."

Have had the same under con-
sideration, and I am instructed to
report it back to the Senate with
the recommendation that it do pass
and be not printed.

HEAD, Chairman.

Committee Room,
Austin, Texas, March 26, 1937.
Hon. Walter F. Woodul, President
of the Senate.

Sir: We, your Committee on Edu-
cational Affairs, to whom was re-
ferred

S. B. No. 441, A bill to be entitled
"An Act authorizing the Board of
La Grange Independent School Dis-
trict, Fayette County, Texas, to com-
pensate L. J. Rose for services ren-
dered to said district."

Have had the same under con-
sideration, and I am instructed to
report it back to the Senate with the
recommendation that it do pass and
be not printed.

COTTEN, Chairman.

Committee Room,
Austin, Texas, March 24, 1937.
Hon. Walter F. Woodul, President
of the Senate.

Sir: We, your Committee on
Enrolled Bills, have had S. B. No.
223 carefully examined and com-
pared and find same correctly en-
rolled.

WESTERFELD, Chairman.

In Memory of Joseph Stephen Cullinan

Senate Resolution No. 56.

Senator Moore offered the following resolution:

Whereas, Texas has recently lost one of its most prominent and able citizens, Joseph Stephen Cullinan, who contributed much to the well-being of his city, his State and his country, and who may truthfully be termed the father of the oil industry in Texas;

No words could better pay tribute to his memory than those of that distinguished gentleman and his long time friend and associate, John Walsh:

"With meticulous conscientiousness he adhered to the divine injunction that no man of property should be insensible to the miseries of the poor.

"The artistic needs of the community found in him support of his gifts to the Art Museum and his efforts in its founding.

"He was never interested in the acquisition of wealth through the ordinary marts of trade but devoted all his business activities to the creation of wealth out of the development of natural resources. He never garnered where others had sown.

"He pointed the way for others. The present day roster of men now eminent in the oil industry is replete with the names of those who might be unheard of were it not that J. S. Cullinan had placed them in the industry and pointed the way forward. His affection for and loyalty to his friends was unfaltering at all times. Every employee of his various enterprises shared generously and impartially in the earnings of such concerns. When once a friend or an employee inspired his confidence, it took proof beyond all doubt to shake that confidence.

"A mighty oak has fallen. A brave and gallant gentleman has passed from among us. We shall not see his like again. I am sure you all join with me in the fervent prayer that God may rest his soul."

Therefore, be it resolved by the Senate of Texas, That it mourns the passing of this great citizen and extends its sympathy to his bereaved family, and that when the Senate adjourns today, it do so in his memory; and, be it further

Resolved, That the Secretary of the Senate be instructed to send copies of this resolution to the family of Mr. Cullinan.

The resolution was read.

On motion of Senator Moore and by unanimous consent, the names of all Senators and the Lieutenant Governor were added to the resolution as signers thereof.

MOORE,
AIKIN,
BECK,
BROWNLEE,
BURNS,
COLLIE,
COTTEN,
DAVIS,
HEAD,
HILL,
HOLBROOK,

ISELL,
LEMENS,
NEAL,
NELSON,
NEWTON,
ONEAL,
PACE,
RAWLINGS,
REDDITT,
ROBERTS,
SHIVERS,

SMALL,
SPEARS,
STONE,
SULAK,
VAN ZANDT,
WEINERT,
WESTERFELD,
WINFIELD,
WOODRUFF,
WOODUL, Lieut. Gov.

The resolution was adopted unanimously by a rising vote.